

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS)
CONSTRUCTION LABORERS)
WELFARE FUND, et al.,)
)
Plaintiffs,)
)
vs.)
)
PLUMBING SOLUTIONS, INC.,)
)
Defendant.)

Case No. 4:08CV640 CDP


MEMORANDUM AND ORDER

This matter is before me on plaintiffs' motion for contempt. Plaintiffs ask the Court to find defendant in civil contempt for failing to comply with my October 10, 2008 Order compelling the production of certain documents. The October 10, 2008 Order also entered partial default judgment against defendant for failing to file an answer or responsive pleading as required by Federal Rule of Civil Procedure 12. Because defendant is in default and has never appeared in the action, the Clerk of the Court does not normally send copies of Orders entered by the Court to the defendant, including the October 10, 2008 Order of Partial Default Judgment. Although plaintiffs' motion indicates that a copy of the contempt motion and supporting memorandum were served upon defendant Plumbing Solutions, Inc. at 1489 Payaso Court, Fenton, Missouri 63026, the motion does not

state that plaintiffs have served defendant with a copy of the Court's October 10, 2008 Order. I will not enter a finding of civil contempt without evidence that defendant has notice of the Court's Order and has refused without excuse to comply with it. Therefore, plaintiffs must supplement their motion for contempt with evidence that they have served defendant with a copy of the Court's October 10, 2008 Order and with a copy of this Order before their motion can be set for hearing.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs shall supplement their motion for contempt as set forth above.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of December, 2008.